

LAND USE APPENDIX A

**PETITION FOR CANCELLATION
OF A PORTION OF A LAND USE CONTRACT
OR LAND USE AGREEMENT**

CALIFORNIA LAND CONSERVATION ACT

Date: _____

I, _____, _____ of Tejon Ranchcorp, a California corporation, the owner of the property described below, petition the Kern County Board of Supervisors for cancellation of a portion of an Agricultural Preserve Land Use Contract or Land Use Agreement, pursuant to Chapter 7, Article 5, Sections 51280 through 51286 of the Government Code, State of California, and pursuant to Kern County board of Supervisors Resolution No. 72-69, dated January 25, 1972.

Signature (please have notarized)

Mailing Address

Tejon Ranch Co.
Name of Previous Property Owner (if known)

DESCRIPTION OF PROPERTY INCLUDED IN THE CANCELLATION REQUEST:

Assessor's Parcel Number(s): _____

Tejon Ranchcorp requests cancellation of the Contract pertaining to 20 (TWENTY) acres, more or less, described below, that is a portion of Assessor's Parcel Number _____ (the "Cancellation Property") dated November 23, 1970, recorded February 26, 1971 in Book 4494 of the Official Records of Kern County at pages 74 et seq. A copy of the Contract is attached hereto as Exhibit C.

LEGAL DESCRIPTION (include plot plan or map of the area):

A legal description of the Cancellation Property is attached hereto as Exhibit A. A map showing the Cancellation Property is attached hereto as Exhibit B.

REASONS FOR WHICH THE CANCELLATION IS REQUESTED (refer to Section 51282, Government Code, State of California, as set forth on Page 2):

The requested cancellation is consistent with the purposes of Chapter 7 of Division 1 of Title 5 of the Government Code. [Gov't Code § 51282(a)(1).]

NOTE: Return this Petition and a filing fee of \$840 (which is nonrefundable) to:

**KERN COUNTY PLANNING DEPARTMENT
2700 "M" STREET, SUITE 100
BAKERSFIELD, CA 93301**

**** FOR OFFICE USE ONLY ****

Name _____ APN _____ Map # _____ S.D.# _____
Last First Middle

Contract Executed by _____

Recordation Date _____ Book _____ Pages _____

Fee _____ Receipt # _____ Date _____ Rec'd by _____

Section 51282, Government Code, State of California

Petition for Cancellation of Contract: Grounds

- (a) The landowner may petition the Board of Supervisors for cancellation of any Contract as to all or any part of the subject land. The Board may grant tentative approval for cancellation of a Contract only if it makes one of the following findings:
 - (1) That the cancellation is consistent with the purposes of Chapter 7; or
 - (2) That cancellation is in the public interest.
- (b) For the purposes of paragraph (1) of subdivision (a), cancellation of a Contract shall be consistent with the purposes of Chapter 7 only if the board makes all of the following findings:
 - (1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
 - (2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
 - (3) That cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
 - (4) That cancellation will not result in discontinuous patterns of urban development.
 - (5) That there is no proximate nonContracted land which is both available and suitable for the use to which it is proposed the Contracted land be put, or, that development of the Contracted land would provide more contiguous patterns of urban development than development of proximate nonContracted land.
- (c) For purposes of paragraph (2) of subdivision (a), cancellation of a Contract shall be in the public interest only if the Board makes the following findings:
 - (1) That other public concerns substantially outweigh the objectives of Chapter 7;
and
 - (2) That there is no proximate nonContracted land which is both available and suitable for the use to which it is proposed the Contracted land be put, or, that development of the Contracted land would provide more contiguous patterns of urban development than development of proximate nonContracted land.
- (d) For purposes of subdivision (a), the uneconomic character of the existing agricultural use shall not by itself be sufficient reason for cancellation of the Contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.
- (e) The landowner's petition shall be accompanied by a proposal for a specified alternative use of the land. The proposal for the alternative use shall list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use, and the provisions and requirements of Section 51283.4 shall be fully applicable thereto. The level of specificity required in a proposal for a specified alternative use shall be determined by the Board as that necessary to permit them to make the findings required.
- (f) In approving a cancellation pursuant to this section, the Board shall not be required to make any findings other than or in addition to those expressly set forth in this section and, where applicable, in Section 21081 of the Public Resources Code.

PROVIDE A STATEMENT INDICATING WHY THE PROPOSED CANCELLATION COMPLIES WITH THE ABOVE SECTION OF THE GOVERNMENT CODE.

Tejon Ranchcorp Co., owner of the Cancellation Property, and Pastoria Energy Facility LLC, the holder of an option to lease said Property, are seeking approval from the California Energy Commission to construct and operate the Pastoria Energy Facility ("Facility"), a state-of-the-art natural gas fired electric generating facility, on an undeveloped site located on Tejon Ranch, near the Edmonston Pumping Plant. The proposed site (approximately 30 acres) includes the Cancellation Property (approximately 20 acres), which is currently subject to the provisions of the Land Use Contract, Pastoria Creek is westerly of the site and an abandoned gravel quarry and an active gravel quarrying operation are easterly of the site. The Cancellation Property historically has been used for grazing. The proposed use is described in detail in the Application for Certification submitted to the California Energy Commission on or about November 30, 1999. Attached hereto as Exhibit D is a list of other governmental agencies known by Tejon Ranch Co. to have permitting authority related to the Pastoria Energy Facility.

The requested partial cancellation of the Contract is consistent with the purposes of Chapter 7 of Division 1 of Title 5 of the Government Code, and complies with section 51282(a)(1) and (b) in that:

1. A notice of non-renewal as to the Cancellation Property will be served, pursuant to section 51245 of the Government Code, prior to a public hearing on this petition for cancellation.

2. The cancellation is not likely to result in the removal of adjacent lands from agricultural use.

The Pastoria Energy Facility is not a development that is likely to attract or require additional development on adjacent lands. No known urban development is presently planned within 5 miles of the Facility. Much of the adjacent lands will remain restricted by Land Use Contracts that prohibit use for purposes other than agriculture, open space and compatible uses.

When fully operational, the Facility will require approximately 25 employees. This number of people is insufficient to warrant the construction of commercial amenities near the Facility.

3. The cancellation is for an alternative use which is consistent with the applicable provisions of the Kern County General Plan.

The Cancellation property has been used primarily for grazing. The Pastoria Energy Facility is a nominal 750 MW merchant-class electrical generating facility, an energy-producing industrial use in an area that already includes petroleum and energy related uses.

The proposed plant site is zoned Exclusive Agriculture ("A"), which is consistent with the Kern County General Plan. Under section 19.12.030(G) of the Kern County Code, an electrical power generating plant, such as the Facility, is a conditionally permitted land use in this zone.

In connection with its Application for Certification submitted to the California Energy Commission, the proposed Facility will undergo extensive environmental review. The results of that review will be made available prior to the public hearing on this petition for cancellation.

4. The cancellation will not result in discontinuous patterns of urban development.

The proposed Facility, an industrial facility, is not an urban (i.e., citylike) development. The siting of the Facility itself, therefore, does not result in a discontinuous pattern of urban development. The Facility is unlikely to attract urban development for the reasons set forth above and, therefore, will not indirectly result in a discontinuous pattern of urban development. To the extent one might consider such industrial development to be urban, the Facility is being

located on a site that is near existing industrial development: the gravel mines, the Edmonston Pumping Plant and the California Aqueduct.

5. There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put.

This Facility site and the configuration of the Facility were selected to best match operating needs for the transmission grid and the competitive power market. The noncontracted land south of the site is not suitable for the Facility, because of its proximity to Pastoria Creek and the abandoned and active gravel quarries. Moving the site south so that it is entirely on noncontracted land would place the Facility too close to the Creek.

STATE OF CALIFORNIA)
) ss
COUNTY OF KERN -) -

On this _____ day of _____, in the year 20____, before me, the undersigned, a Notary Public in and for the State of California, with principal office in the County of Kern, duly commissioned and sworn, personally appeared _____, known to me to be the person(s) described in, whose name(s) (is) (are) subscribed to and who executed the within instrument, and acknowledged that _____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.

Notary Public in and for the State of California